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LIEUTENANT GOVERNOR

November 14, 2017

The Honorable Elaine Duke
Acting Secretary
Department of Homeland Security
245 Murray Lane, SW
Washington, D.C. 20528

Dear Secretary Duke:

I am writing in connection with the determinations now before you concerning the immigration status of citizens of Haiti, El Salvador, and Honduras who are lawfully present in the United States under Temporary Protected Status (TPS). As the current TPS authorizations for these three countries come up for review in the coming months, I urge you to recognize the unsuitability of ordering tens of thousands of Haitians, Salvadorans, and Hondurans now in the United States to return to homelands that are in crisis and that will be at risk of becoming further destabilized by a sudden influx of TPS nationals.

There are approximately 5,000 Haitians, 6,000 Salvadorans, and almost 1,000 Hondurans now living and working in Massachusetts under TPS. These are overwhelmingly hard-working people who make valuable contributions to the economy and culture of our State. Our experience in Massachusetts is borne out by national measures that track workforce participation in the U.S. economy for these three groups at over 80%. As you know, TPS workers are authorized to work by DHS and pay their full share of social security and other payroll taxes like other American workers. Losing Massachusetts' 12,000 TPS residents and workers would deal a huge blow to our State economy. Meanwhile, many of the nationals from Haiti, El Salvador, and Honduras here under TPS have U.S.-born children who have no connection to their parents' country of origin. Our immigration policy should protect the integrity of these families.

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Independent evaluations offer strong support for the conclusion that Haiti, El Salvador, and Honduras are countries that remain in crisis and lack the resources, political stability, and infrastructure necessary to support the return of nationals now living in the United States under TPS.

It is not consistent with the traditions and values of the United States to order the return of large numbers of foreign nationals who have been following our laws and contributing to our economy and culture to countries that are dangerous, politically unstable, and incapable of providing basic services and protections for their citizens. I understand that apart from extending TPS, immigration law provides you with other means of protecting these individuals from the dangers of returning them to unstable homelands. I encourage you to explore all reasonable alternatives and to reach a solution that will allow Haitians, Salvadorans, and Hondurans now lawfully present in the United States under TPS to remain.

Thank you for your consideration.

Sincerely,



Charles D. Baker
Governor



**U.S. Citizenship
and Immigration
Services**

February 14, 2018

The Honorable Charles D. Baker
Governor
State of Massachusetts
Massachusetts State House, Room 280
Boston, Massachusetts 02133

Dear Governor Baker:

Thank you for your November 14, 2017 letter to the Department of Homeland Security (DHS). Secretary Nielsen asked that I respond on her behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designations for Haiti, El Salvador, and Honduras. The Secretary of Homeland Security's authority to designate or redesignate a country for TPS and to extend or terminate a country's existing designation is based upon specific statutory criteria. *See* Immigration and Nationality Act (INA) § 244(b). U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the program.

At least 60 days before the current expiration date for a TPS designation, the Secretary must review conditions in the foreign country and, after consultation with other appropriate federal agencies, determine whether the statutory conditions for TPS continue to be met. Under the INA, if the Secretary determines that the conditions for designation are no longer met with respect to a country, the Secretary is required to terminate the designation. *See* INA § 244(b)(1),(3).

After considering information from several U.S. Government sources, on November 20, 2017, former Acting Secretary Duke announced the termination of Haiti's TPS designation after determining that the statutory conditions for its designation no longer continued to be met. To allow for an orderly transition, the former Acting Secretary delayed the effective date by 18 months. Accordingly, Haiti's TPS designation will terminate on July 22, 2019. The 18-month period will provide time for individuals with TPS to arrange for their departure or to seek an alternative lawful immigration status in the United States. Additional information on the termination of Haiti TPS can be found on the USCIS website and in a notice that was published in the *Federal Register* on January 18, 2018.

Secretary Nielsen decided to terminate the TPS designation for El Salvador after considering information from several U.S. Government sources, with a delay of 18 months to allow for an orderly transition before the designation terminates on September 9, 2019. DHS is committed to an orderly transition that will allow time for El Salvador to prepare for the return and reintegration of its citizens.

USCIS will work with the State Department and the government of El Salvador to help inform relevant stakeholders in-country and in the United States to ensure an orderly return and reintegration of El Salvador's citizens. Additional details on the Secretary's decision and the process for current El Salvador TPS beneficiaries to renew their work authorization documentation until TPS terminates on September 9, 2019, can be found in the notice that was published in the *Federal Register* on January 18, 2018.

In regards to Honduras, former Acting Secretary Duke did not make a determination by the 60-day deadline for Honduras (November 6, 2017), resulting in an automatic six-month extension of the designation. Details regarding this extension and the process for Honduran TPS beneficiaries to re-register can be found on the USCIS website and in the *Federal Register* notice published on December 15, 2017.

Thank you again for your letter and interest in these important issues. Should you wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Francis Cissna". The signature is stylized, with the first letter of each word being large and prominent.

L. Francis Cissna
Director